

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, OCTOBER 23, 2017 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Christensen; Council Members: Camp, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; City Clerk: Teresa Meier.

Council Chair Christensen announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

RAYBOULD Having been appointed to read the minutes of the City Council Proceedings of October 16, 2017, reported having done so, found same correct.

Seconded by Shobe & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Beutler presented the Mayor's Award of Excellence for the month of September, 2017, to Matthew Franken, Police Officer/Investigator for the Administrative Support Division of the Police Department in the category of productivity. Sergeant Mike Ripley nominated Franken for his investigation of a December 2016 homicide that has so far led to the arrest of ten people, including the person responsible for the homicide. Officers were responding to a disturbance call when they found a body with a gunshot wound in the trunk of a car. At the scene Franken built a rapport with a woman who provided the name of one man and the nickname of another man who fled the scene. He also established the address of the shooting, and a search warrant was served. Franken worked with the U.S. Marshall's Fugitive Task Force to locate the known male suspect in Omaha, and he was returned to Lincoln. Franken interviewed the suspect and confirmed the other suspect's nickname. The known suspect was then arrested for being an accessory to murder. Franken then contacted a colleague at the Omaha Police Department to see if he could identify the man with the nickname. That suspect was quickly identified, and further investigation led to surveillance of the Lincoln residence where the homicide occurred. The suspect was soon spotted leaving the home with several others. The officers' attempt to stop the vehicle which led to a short pursuit and lengthy manhunt after the suspect drove the vehicle into Little Salt Creek. As a direct result of the information Franken collected, the suspect was arrested for second-degree murder, and seven others were arrested for accessory to murder. The shooter is now serving a sentence for manslaughter and possession of methamphetamine with intent to sell. In addition to his investigations, Franken has also been the driving force in creating a department policy on Officer Involved Shootings. In his nomination, Ripley wrote, "With these types of high profile investigations, the potential for civil unrest within a community is significant. Thanks to Matt's dedication on the subject, the Lincoln Police Department is well prepared to handle this type of event and avoid a high profile situation that could cause civil unrest within the community."

Jeffery Bliemeister, Chief of Police, came forward saying he has worked with Matt for the past 20 years in two different roles. Matt is the type of person that can talk to anyone and that can really help throughout the investigative process. Matt's experience and skill sets are unparalleled and he represents the Police Department very well.

Matthew Franken, Police Officer/Investigator for the Administrative Support Division of the Police Department, came forward and thanked the Police Chief for his kind words. Matt introduced his family that were in the audience thanking them for their support and also thanked his team mates.

**PUBLIC HEARING**

APPLICATION OF ATEMAJAC, INC. DBA LA CABANA TO EXPAND ITS CLASS I LIQUOR LICENSE BY THE ADDITION OF AN AREA MEASURING APPROXIMATELY 21 FEET BY 35 FEET AT 3223 CORNHUSKER HIGHWAY - Guillermo Haro, 6000 South 88<sup>th</sup> Street, applicant, came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF RANDY A. WILSON JR. FOR CHATTERS, LLC DBA 1640 EVENT CENTER AT 1640 O STREET - Randy Wilson, 6400 Fremont Street, applicant, came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF DONALD V. CARY III FOR WILDERNESS RIDGE, LLC DBA WILDERNESS RIDGE GOLF COURSE AT 1800 WILDERNESS WOODS PLACE - Donald V. Cary, 8325 Lancashire Drive, applicant, came forward to take the oath and requested approval.

Jane Raybould, Council Member, inquired about the DUI charges on the background check.

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Mr. Cary stated it was from poor choices and you live and learn. He has been managing food and beverage operations for the past 12 years, and his professional career is impeccable with no problems.

Roy Christensen, Council Chair, asked what he has done to correct those tendencies for poor choices, saying there were 4 DUI's listed on his background check.

Mr. Cary explained when he was younger he went through a few things that were stressful and at that time he had poor stress management. He was not putting himself in the right place at the right time back then. Now, he is a family guy that's married with a child and a grandchild. I don't put myself in situations that are not favorable for me.

This matter was taken under advisement.

APPLICATION OF MO CHARA, LLC DBA THE WATERING HOLE TO EXPAND ITS CLASS C LIQUOR LICENSE BY THE ADDITION OF AN AREA MEASURING APPROXIMATELY 25 FEET BY 130 FEET AT 1321 O STREET - Bryan McFarland, 3201 South Street, applicant, came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF PETE RICKETTS FOR GOVERNOR, INC. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN INDOOR AREA MEASURING APPROXIMATELY 113 FEET BY 50 FEET AND AN OUTDOOR AREA MEASURING APPROXIMATELY 287 FEET BY 287 FEET AT 1421 H STREET ON NOVEMBER 4, 2017 BETWEEN 8:00 A.M. AND 7:00 P.M. AND NOVEMBER 24, 2017 BETWEEN NOON AND 2:00 P.M. - Corben Waldron, 5055 South 20<sup>th</sup> Street, applicant, came forward and requested approval, saying this event is at the Governor's Residence where we are wanting to have tailgate parties for home games. The tailgate parties start one to three hours prior to kick off, so the times for each tailgate party will vary depending on when the game is scheduled to start that week.

Roy Christensen, Council Chair, stated they have been having these events at the Governor's Residents for a long time, what has changed with these events?

Mr. Waldron stated to receive donations from liquor wholesalers for these events you need to have an SDL, otherwise you are required to pay for all the liquor. Discussion followed.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 16-30, 2017 - Zohal Saeed, 515 West Saunders Avenue, #23, came forward and stated that a tree branch fell on her car.

Jeff Kirkpatrick, City Attorney, came forward and stated this was one of a series of tree claims we received for damages related to tree branches falling. These claims are from a significant storm that came through Lincoln on August 20<sup>th</sup> of this year. Ms. Saeed's car was parked on O Street across from the Community College Campus, a branch broke off a street tree and came down on her car and caused a significant amount of damage. This included breaking the windshield, denting the hood and the side of her car. We evaluated her claim to see if there were prior complaints with that tree. The tree, prior to the storm, was healthy and that is why we denied the claim. Discussion followed.

This matter was taken under advisement.

APPROVING THE AWARD OF CONTRACT TO THE LOW BIDDER FOR THE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF TRANSPORTATION FOR THE 48<sup>TH</sup> AND HIGHWAY 2 TRAFFIC SIGNAL REBUILD PROJECT. CITY PROJECT NO. 702693. STATE PROJECT NO. LCLC-5239(9), CN 15253 - Erin Sokolik, Public Works Engineering Services, came forward and stated this is to rebuild a traffic signal using Federal Aide Funds from NDOT. Watts Electric being the low bidder for this project, in the amount of \$247,437.15. This resolution will need to be amended to include Watts Electric as the low bidder.

Jon Camp, Council Member, stated that with this being a federal project, would there be a matching amount that the City will need to pay.

Ms. Sokolik said yes, 80% in federal funds to 20% in local funds.

This matter was taken under advisement.

APPROVING THE FIRST AMENDMENT TO DEVELOPMENT AGREEMENT FOR THE RECONFIGURATION OF SOUTHPOINTE PAVILIONS BETWEEN THE CITY OF LINCOLN, NEBRASKA AND RED CAPITAL MANAGEMENT, LLC TO MAKE AMENDMENTS TO THE REAL ESTATE INTERESTS TO BE CONVEYED BETWEEN THE PARTIES IN FURTHERANCE OF THE DEVELOPMENT AGREEMENT ON PROPERTY GENERALLY LOCATED NORTH AND EAST OF THE INTERSECTION OF SOUTH 27<sup>TH</sup> STREET AND PINE LAKE ROAD - Tim Sieh, Assistant City Attorney, came forward and stated the Development Agreement for the SouthPointe and Scheels Project was originally approved in February, 2016. In that agreement, the developer anticipated they would have a private third party purchasing the bond that would fund the parking garage. In anticipation of that, it was set up that the City would own the land that the garage would be constructed on. At the time, this was fine with the developer and the eventual bond holder. Since then, the third party has indicated that they are not interested in purchasing that bond anymore. Which meant, the developer has had to work with a more

traditional lender on this project. The bank would like a security interest in the underlying property in order to finance that type of a project. The change in the structure of this agreement is that the developer would continue to own the land that the garage is built on. The City would then construct the garage on the easement that would be granted to them. This would allow the City to own, construct and operate the garage throughout the life of the garage.

Cyndi Lamm, Council Member, asked if the City would be doing the bond now and how would you bond an easement.

Mr. Sieh said the City was always the one that would be issuing the bond. We are bonding the construction of the garage, saying this would be against the revenue stream created by the occupation tax of the project. Discussion followed.

Jon Camp, Council Member, asked if these would be taxable bonds.

Mr. Sieh stated he didn't recall the specifics on the bonds, but thought that they could be either and he would get Councilman Camp, a better answer on if they are taxable. Discussion followed.

Bennie Shobe, Council Member, inquired because of the easement on the garage, could the developer evict us.

Mr. Sieh said that was correct. Discussion followed.

This matter was taken under advisement.

**CHANGE OF ZONE 17022 – APPLICATION OF LUX CENTER FOR THE ARTS TO DESIGNATE THE FORMER UNIVERSITY PLACE CITY HALL AS A LANDMARK, CHANGING THE ZONING DISTRICT FROM B-3 COMMERCIAL DISTRICT TO B-3 COMMERCIAL DISTRICT WITH LANDMARK OVERLAY, ON PROPERTY GENERALLY LOCATED AT 2601 NORTH 48<sup>TH</sup> STREET** - Ed Zimmer, Planning Department, came forward stating they would like to designate the former University Place City Hall as a Landmark. This has been introduced to the Historic Preservation Commission and Planning Commission and they both gave approval for this to move forward. This building was constructed in the independent town known as University Place in 1914 as the multi-purpose City Hall building. The building housed an auditorium, the City Council, city offices, water, fire and police departments. The architect was John R. Smith, who built churches, schools, residence and libraries, although his masterpiece was this City Hall building. After its annexation by Lincoln in 1926, the building served as a fire station. Then in the 1980s, it became an art gallery and education center when purchased by Gladys Lux. The adjacent building to the north was once a mid 1950s bakery and is now joined internally, so both buildings have been included in the application. The interior of the building, which is not typically considered in the designation of a landmark, is used in part as an art gallery, class rooms and offices. Some fine features that closely resemble the original treatments, including the prominent staircase that goes from the first floor to the second, the safe and a bit of the jail cell that once occupied this building are still visible on the interior of this building. Discussion followed.

Carl Eskridge, Council Member, inquired why the Lux Center needs this to be designated as a landmark.

Mr. Zimmer stated in addition to the pride they took in this building and the clear stewardship of it for decades, they are engaged in a major capital campaign and are close to achieving their goals. So, this will protect the building and also offers them a financial incentive that will help in its rehabilitation.

This matter was taken under advisement.

**CHANGE OF ZONE 17024 – APPLICATION OF JOHN AND TERRY THOMAS TO DESIGNATE THE BURGESS HOUSE AS A LANDMARK, CHANGING THE ZONING DISTRICT FROM AG AGRICULTURAL DISTRICT TO AG AGRICULTURAL DISTRICT WITH LANDMARK OVERLAY, ON PROPERTY GENERALLY LOCATED AT 6501 SOUTHWEST 40<sup>TH</sup> STREET** - Stacy Hageman, Planning Department, came forward saying this is for a landmark designation for the Burgess Homestead. The original barn is just southwest of the house and both buildings are surrounded by a dense windbreak of mature trees. The frame of the current farmhouse built in 1912 is an American Foursquare/ Prairie Box which replaced the original house only one year after it was built, as it had been destroyed by a fireworks display that had set fire to it. This land and its buildings have remained in the same family's ownership since 1882 when Joseph Burgess immigrated to the United States and purchased 160 acres of land in the Yankee Hill precinct. This has been introduced to the Historic Preservation Commission and Planning Commission and they have both unanimously approved.

John and Terry Thomas, 6501 Southwest 40<sup>th</sup> Street, came forward stating they are the owners of this property and would like to answer any questions.

This matter was taken under advisement.

**CHANGE OF ZONE 17026 – APPLICATION OF MAGNUM PROPERTIES, LLC FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 235 SOUTH CODDINGTON AVENUE** - David Cary, Planning Director, came forward and said this location is currently an H-3 Highway Commercial and we would like to change it to I-1 Industrial. This will allow for more uses to be operated on this site. There were some questions about some existing residential in the area that was not zoned for residential. Typically in an I-1 district, residential homes cannot be closer than 300 feet, although it was decided if this area changed from a H-3 to I-1 it would not impact the residents any differently than they are now. This location has been reviewed and approved by the Health Department for the change of zone. And to be clear, those existing residences are in Commercial Zoning at this time. Discussion followed.

This matter was taken under advisement.

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CHANGE OF ZONE 17027 – APPLICATION OF HEPBURN PROPERTIES, LLC FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 200 NORTHWEST 84<sup>TH</sup> STREET - David Cary, Planning Director, came forward and stated this is a clean up item. This parcel was previously owned by a School District and when it was sold in the 1990s to a private owner, the zone should have been changed from P zoning to H-3 zoning. Discussion followed.

Roy Christensen, Council Chair, inquired what this property is currently being used for.

Mr. Cary said the most recent use was a daycare with some parking, but there has not been a lot of activity lately on the land.

This matter was taken under advisement.

ANNEXATION 17013 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 4 ACRES OF PROPERTY GENERALLY LOCATED AT 84<sup>TH</sup> STREET AND PIONEERS BOULEVARD - David Cary, Planning Director, came forward and said they will be discussing the next 4 annexations that have been submitted separately. These annexations went before the Planning Commission on September 27 and were approved to move forward.

Paul Barnes, Planning Department, came forward and stated that Lincoln is a growing community, and with its consistent growth of 1.2% to 1.3% annually, that is an increase of 3,000 to 4,000 people per year. A lot of the development has to happen on the edge of the City, although we do have some infill that is happening as well. The Revised Nebraska Statute 15-104 states that “The City Council may by ordinance at any time include within the corporate limits of such city and contiguous or adjacent lands, lots, tracts, streets, or highways such distance and such direction as may be deemed proper...” and this is where the Planning policy starts. For this annexation, most of two lots shown are surrounded by city limits on all sides except for a very small portion of one of these lots, which is still connected to land that is not in city limits. With both of these lots the main buildings are in the city, but the back portion (or backyards) of these lots are not considered to be in the city. The Planning Commission supports this annexation. Discussion followed.

Andrew Thierolf, Planning Department, came forward saying this is unique to the other annexations, where the main portion of the lot is in the city and the back portion is not. This is just a minor clean up.

Jane Raybould, Council Member, inquired about the new property tax rate they will need to pay, and how they will pay to be connected to services? What happens if they decide not to be connected to services? Discussion followed.

Mr. Barnes explained they would need to request services, that would then start the assessment district process. Once the request was made for services to Public Works Department they would work to set up these services. The fees charged for the project would be paid over a period of time by the property owner through the use of bonds. Discussion followed.

Jon Camp, Council Member, asked what do you say to property owners that do not need services and are required to pay more in taxes with being annexed.

Mr. Theirot explained for all of the annexations that they have identified, residents are getting benefits of city services today. With some of the property owners they can go from their driveway and be on nicely paved streets to get around. The cost of water and sewer is something that all property owners pay, the cost is charged to the developer of an area and he passes that on to the property owner. So everyone in the city is paying for the water and sewer to be connected. Discussion followed.

Leirion Gaylor Baird, Council Member, stated this question is not specific to this annexation, but is for the group of annexations, then asking how the safety issues were addressed with LFR and the response times to the areas to be annexed.

Mr. Barnes stated Assistant Chief Borer has been involved with our conversations on the annexations because this is an important discussion that we needed to have.

Patrick Borer, Assistant Fire Chief, came forward and stated when the open house was held on the annexations the common question was “what is in it for me.” It is true that in some of the annexations there is a rural fire station closer than LFR. But those stations are not staffed continually, the person that responds to calls in those areas will be responding from home and that takes additional time. So it is not a good comparison to compare the locations of the LFR and the rural fire stations. Discussion followed.

Roy Christensen, Council Chair, said for clarification on this one issue for annexation it is really just a clean up item. Discussion followed.

This matter was taken under advisement.

ANNEXATION 17011 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 161 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 40<sup>TH</sup> STREET AND YANKEE HILL ROAD - Paul Barnes, Planning Department, came forward and stated this annexation includes the Yankee Hill Golf Course along with one residence. This is approximately 161 acres adjacent to city limits on three sides. The Planning Commission has approved this annexation.

Andrew Thierolf, Planning Department, came forward saying on the golf course, the clubhouse is already in the city. The golf course is a rural water district customer so there would be a fee that would need to be paid of about \$9,000.00 dollars upon annexation. There will also be an additional fee for the existing customer and that starts at \$6,666.00 dollars. The second fee will go down by 10% each year that the customer stays with the rural water district, in 10 years the second amount owed would be zero. For this annexation there is water available on the north, west, and south sides along with sewer on both the north and south sides.

Jon Camp, Council Member, stated with the fees that need to be paid to the rural water district and that fee dropping 10% each year until nothing was owed, why would they ever want to change their water over, or would we force them to?

Mr. Theiroff said we would not force them, probably, if several of the customers disconnect from rural water they may not want to have a big line going out just to service one person and usually city water is cheaper. Discussion followed.

Mr. Barnes mentioned one advantage to having city water available next to your property would be the fire hydrants that would give you fire protection. Rural water lines can serve the customer but they do not have enough pressure or the capacity to hook up to the LFR equipment, for fire protection service. Discussion followed.

Steve Speidel, 7800 South 40<sup>th</sup> Street, came forward and stated he is the owner of the northwest portion of this annexation and has been farming this land for the past 47 years since 1970. Each year, he farms 1000 pounds of bromegrass seed, 500 bales of grass hay and large eared corn. Through the years, this has always been enough of an income to pay property taxes. However, if this land is annexed there is not any legal crops that could be grown that will even come close to pay the increased property taxes. The taxes on the land will go from \$3,000 dollars an acre to \$40,000 to \$50,000 dollars per acre. This farm is not urban in character and with the easement and restrictive covenant on the golf course land stating nothing can be built south of his property to Yankee Hill Road. This land can only be used for a golf course and nothing else, so this land will not be developed with houses in the near future. Since this property is intensely farmed, is not urban in character, will not be developed before 2025, is not surrounded by the city and because of the much higher property taxes he is opposed to this annexation, and does not feel it is the appropriate time to annex this property. Discussion followed.

Richard Halvorsen, 6311 Inverness Road, came forward and stated he is in opposition to this land being annexed at this time. Discussion followed.

Mr. Barnes came forward for rebuttal citing the State Statue again, that some properties are surrounded and others are engulfed by city limits and land needs to be contiguous to city limits and on multiple sites. We also base annexations on the location and surrounding areas and what has been developed. In this area, just across the road, there is Target and a Townhome Development. Discussion followed.

Mr. Camp asked about waiting to annex this area for a few more years until they look at the area with the acreage for annexation and do it all together. Discussion followed.

Mr. Barnes said the property owner has benefitted from the city for a long time, with the use of 40<sup>th</sup> Street, utilities in the area and does not feel this annexation should be delayed. Discussion followed.

David Cary, Planning Director, came forward and said one more point of clarification, when we talk about the trunk sewer line being available for this property owner, up until recently it was not available, which is the change in the status of this property. That is one more reason why it makes sense to annex this land. Discussion followed.

This matter was taken under advisement.

#### ANNEXATION 17012 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING

APPROXIMATELY 32 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTHWEST 1<sup>ST</sup> STREET AND WEST DENTON ROAD - Paul Barnes, Planning Department, came forward and stated there was a plan that had been approved 10 years ago to have commercial development in the area. This area does include a portion of Highway 77, which is a right of way. This development area is serviced by utilities and is ready to be developed. This property is contiguous to existing city limits on three sides with Wilderness Park on the fourth side. Discussion followed.

Andrew Thierolf, Planning Department, came forward saying this annexation is for 32 acres and about half of that is right of way with another portion of the property used for a tree farm. Something unique with this district per State Statue, is when taking district area away from rural fire departments there would be a payment based on what the net debt of that Fire District is. Most of the rural fire departments do not have a debt so no payment would be owed, but this one district does and the payment would be \$343 dollars to the rural fire department. Discussion followed.

Leirion Gaylor Baird, Council Member, stated this was a 5 - 2 split vote from the Planning Commission, and asked Mr. Barnes to explain the reasons for that.

Mr. Barnes explained one of the reasons had to do with Wilderness Park and when this area would be annexed. The reasons for not annexing the park at this time has to do with providing services to the area. We did not want to annex the area until we knew we would be able to provide those services and, at this point, we are not able to provide those services to Wilderness Park. There were also questions about the tree farm use and bringing that land into the city. The owners of that property could continue to have a tree farm in the city limits and it would not be an issue.

Mr. Thierolf stated it was also mentioned that the Southwest Village Area has not started with any development yet . This area is in city limits but not being urbanized yet. Discussion followed.

Dale Schmidt Jr, 8401 South 1<sup>st</sup> Street, came forward and stated that he is opposition to this annexation. This area is not an urban area, it is strictly a rural area with Wilderness Park running for several miles that the city is not planning on annexing until 2040. The closest water hydrant would take 400 yards of water hose to get to my property if trying to service a fire. The lift station that was put in to service Southwest Village sits at a considerably higher elevation than our property, so we do not have access to

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sewer at this time. The property to the south of us is a brome field that will eventually be connected to the Lincoln Race Course and the property to the west is nothing but AG use. Looking at the map there are two other properties that are not in city limits, so my property is not surrounded on three sides by city property, just one side. Discussion followed.

Jon Camp, Council Member, asked if he owned all 32 acres to be annexed.

Mr. Schmidt said no, he owns 15 to 16 acres of this land with the rest of the area being owned by Department of Roads. Discussion followed.

Mr. Barnes came forward for rebuttal stating he wanted to point out that even though the Southwest Village area was approved for development 10 years ago there have been discussions about development in a portion of the area. And another area has had their application approved for an amendment to a preliminary plat. That construction should start sometime next year for that. Discussion followed.

Mr. Thierolf wanted to address the locations of the utilities in the area that were mentioned earlier by Mr. Schmidt, saying the sewer and water lines are not touching his property, although it is not necessary for them to be touching the property to have services. As mentioned earlier, if the property owner would like sewer and water, they can request it and, at that point, there would be an assessment district formed. Sewer and water is available to this area, the trunk lines have already been built, so all that would need to be done is to put in the local lines and they would be paid by the owner just like everyone else. Discussion followed.

Mr. Camp stated that in the future, when the south beltway takes a portion of Mr. Schmidt's property would his land be worth more if annexed in?

Mr. Thierolf said that it would increase his valuation because he currently is in a green belt property, so it would go up in that sense.

Steve Henrichsen, Planning Department, came forward and stated assessors that are paid for by Department of Roads or the property owners to see what the value of their land is, do not look at the assessed value of that property. They will look at how the property is zoned, and if it is listed in the comp plan or is it shown for development? To look at the assessors valuation only would be quite unfair to the property owner, so they will look at the market value of the land and not the assessed value necessarily.

This matter was taken under advisement.

**ANNEXATION 17010 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 211 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 56<sup>TH</sup> STREET AND FLETCHER AVENUE - (PLACED ON PENDING NO DATE CERTAIN, 7-0) -** David Cary, Planning Department, came forward and stated this annexation is slightly different because this area is completely surrounded by the city. The property is dominated by a flood plain and flood way, which we knew going into this. There have been discussions about what the use of this property could be in the future. Moving forward, we have discussed with the property owner to get a Conservation Easement for part of this property. This is something that the property owner is interested in, so we would like to delay action on this item today to allow the owner of the property time to work with city staff and other agencies to work out a Conservation Easement for this property. Discussion followed.

Andrew Thierolf, Planning Department, came forward saying this is 211 acres that is used as open space. By annexing this area, it would be served by LFR on both parcels, where currently this area is served by two fire departments, Waverly Rural Fire serves the east parcel and Raymond Rural Fire serves the west parcel.

Carl Eskridge, Council Member, inquired if all of this area is in the flood plain.

Paul Barnes, Planning Department, came forward and stated that there is a portion of the area that's out of the flood plain where the rock crusher used to be. Discussion followed.

Bob Caldwell, 6100 Luann Lane, came forward saying he is the owner of this property and would like to thank Planning for the work they have done with this annexation and the willingness to have discussions with him on Conservation Easement for at least the flood way of this property. Discussion followed.

This matter was taken under advisement.

**TEXT AMENDMENT 17016 – AMENDING CHAPTER 27.63 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS BY AMENDING SECTION 27.63.470(D) TO AUTHORIZE CITY COUNCIL TO INCREASE OR DECREASE THE MINIMUM PARKING REQUIREMENTS IN THE H-4 GENERAL COMMERCIAL DISTRICT; AND REPEALING SECTION 27.63.470 AS HITHERTO EXISTING. (RELATED ITEMS: 17-140, 17R-253);**

**SPECIAL PERMIT NO. 2004A – APPLICATION OF ALPHA BREWING OPERATIONS, LLC, TO AMEND SPECIAL PERMIT 2004 TO REDUCE THE REQUIRED PARKING RATIO FOR ASSEMBLY FACILITIES FROM 1 STALL PER 300 SQUARE FEET TO 1 STALL PER 1,000 SQUARE FEET, ON PROPERTY GENERALLY LOCATED AT NORTH 56<sup>TH</sup> STREET AND ALVO ROAD. (RELATED ITEMS: 17-140, 17R-253) (ACTION DATE: 10/30/17) -** Steve Henrichsen, Planning Department, came forward and stated Alpha Brewing is looking to expand parking in this area to meet the parking requirements in the future. This establishment sells brewing equipment to other businesses, this will not be a pub for drinking. Discussion followed.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA ON BEHALF OF THE COLLEGE OF NURSING (UNMC) FOR CLINICAL TRAINING AT EASTERDAY RECREATION CENTER FOR PUBLIC HEALTH STUDENTS FOR A TWO YEAR TERM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90728

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Service Agreement between the City of Lincoln, Nebraska and the Board of Regents of the University of Nebraska, on behalf of the UNMC College of Nursing, to provide clinical training for public health nursing students at Easterday Recreation Center for a term of September 1, 2017 through August 31, 2019, upon the terms and conditions as set forth in said Agreement, which are attached hereto and made a part hereof by reference, are hereby accepted and approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to send a copy of this Resolution and one fully executed copy of the Agreement to Lynn Johnson, Director of the Parks and Recreation Department for transmittal to the Board of Regents of the University of Nebraska, on behalf of the UNMC College of Nursing.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

APPROVING AN AGREEMENT BETWEEN THE UNIVERSITY OF NEBRASKA MEDICAL CENTER COLLEGE OF PUBLIC HEALTH AND THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT TO ALLOW A PLANNED, SUPERVISED SERVICE/LEARNING/CAPSTONE EXPERIENCE OR OTHER SERVICE LEARNING OR RESEARCH EXPERIENCE FOR STUDENTS IN THE GRADUATE PROGRAM OF PUBLIC HEALTH FOR A THREE YEAR TERM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90729

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreement between the University of Nebraska Medical Center College of Public Health and the City of Lincoln on behalf of the Lincoln-Lancaster County Health Department to allow a planned, supervised Service/Learning/Capstone Experience or other service learning or research experience for students in the Graduate Program of Public Health, upon the terms and conditions as set forth in said Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, for a term of January 1, 2018 through December 31, 2020, is hereby accepted and approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

REAPPOINTING JON CAMP TO THE PUBLIC BUILDING COMMISSION FOR A TERM EXPIRING AUGUST 1, 2021 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90730

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Jon Camp to the Public Building Commission, for a term expiring August 1, 2021, is hereby approved.

Introduced by Carl Eskridge

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

REAPPOINTING BETSY BERGMAN AND MICHAEL HATTEN TO THE STARTRAN ADVISORY BOARD FOR TERMS EXPIRING OCTOBER 20, 2020 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90731

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointments of Betsy Bergman and Michael Hatten to the StarTran Advisory Board, for terms expiring October 20, 2020, are hereby approved.

Introduced by Carl Eskridge

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

AUTHORIZING THE MAYOR TO EXECUTE A PROGRAM AGREEMENT SUPPLEMENT NO. 1 BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF TRANSPORTATION (NDOT) TO DEFINE THE FUNDING SPLIT AND CAPS THE FEDERAL HSIP FUNDS AT \$2,397,600.00 FOR THE 56<sup>TH</sup> STREET AND YANKEE HILL ROAD PROJECT. (PROJECT NO. HSIP-5241(6), CN 13347) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

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A-90732 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Program Agreement Supplemental No. 1 between the City of Lincoln and the State of Nebraska Department of Transportation (NDOT) to define the funding split and caps the Federal HSIP funds at \$2,397,600.00 for the 56<sup>th</sup> Street and Yankee Hill Road Project (Project No. HSIP-5241(6), CN 13347), in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Public Works and Utilities Department for transmittal and execution by the State Department of Transportation.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

REQUEST OF PUBLIC WORKS TO SET THE HEARING DATE OF MONDAY, DECEMBER 4, 2017 AT 3:00 P.M. AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

17R-265 PROVIDE SITING APPROVAL TO ALLOW CITY OWNED PROPERTY TO BE USED FOR FUTURE SOLID WASTE OPERATIONS AND TO ALLOW THE PERMITTING AND OPERATIONS OF SOLID WASTE DISPOSAL AREAS AND SOLID WASTE PROCESSING FACILITIES ON THIS PARCEL OF GROUND, CONTAINING APPROXIMATELY 710 ACRES, IN THE VICINITY OF HIGHWAY 77 AND BLUFF ROAD IN LANCASTER COUNTY, NEBRASKA.

CLERK Requested a motion to approve the request of Public Works to set the hearing date.

CAMP Moved to approve the request of Public Works to set the hearing date.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION MEETING FOR DOWNTOWN MANAGEMENT BUSINESS IMPROVEMENT DISTRICT TO BE HELD ON MONDAY, NOVEMBER 6, 2017, AT 3:00 P.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION MEETING FOR DOWNTOWN CORE MANAGEMENT BUSINESS IMPROVEMENT DISTRICT TO BE HELD ON MONDAY, NOVEMBER 6, 2017, AT 3:00 P.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION MEETING FOR DOWNTOWN MAINTENANCE DISTRICT TO BE HELD ON MONDAY, NOVEMBER 6, 2017, AT 3:00 P.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION MEETING FOR WEST HAYMARKET/ DOWNTOWN MAINTENANCE DISTRICT TO BE HELD ON MONDAY, NOVEMBER 6, 2017, AT 3:00 P.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

RESOLUTION APPROVING THE CITY OF LINCOLN'S INVESTMENT ACTIVITY REPORT FROM THE CITY TREASURER FOR THE QUARTER ENDING, FISCAL YEAR, AUGUST 31, 2017 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90733 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Investment Activity report and attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Carl Eskridge

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION A-90723 PASSED BY CITY COUNCIL ON OCTOBER 16, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

**PETITIONS & COMMUNICATIONS**

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 6, 2017 AT 3:00 P.M. ON THE APPLICATION OF EFTHYMOS GELASTOPOULOUS DBA MAD MIKES BAR AND GRILL FOR A CLASS I LIQUOR LICENSE AT 228 N. 12<sup>TH</sup> STREET, SUITE 100 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90734 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 6, 2017, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Efthymios Gelastopoulous dba Mad Mikes Bar and Grill for a Class I Liquor License at 228 N. 12<sup>th</sup> Street, Suite 100.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.



Introduced by Carl Eskridge

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 6, 2017 AT 3:00 P.M. ON THE APPLICATION OF VIETLINK INVESTMENT GROUP LLC DBA BUCK & GAS GENERAL STORE FOR A CLASS D LIQUOR LICENSE AT 2801 NW 48<sup>TH</sup> STREET, SUITE 100 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90735 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 6, 2017, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Vietlink Investment Group LLC dba Buck & Gas General Store for a Class D Liquor License at 2801 NW 48<sup>th</sup> Street, Suite 100. If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Carl Eskridge

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 20, 2017 AT 3:00 P.M. ON THE APPLICATION OF GNS CORPORATION DBA DISCOUNT CITY FOR AN ADDITION OF AN AREA MEASURING APPROXIMATELY 60' X 29' TO THEIR LICENSED PREMISE AT 5560 S. 48<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90736 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 20, 2017, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of GNS Corporation dba Discount City for an addition of an area measuring approximately 60' x 29' to their licensed premise at 5560 S. 48<sup>th</sup> Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Carl Eskridge

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

**PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:**

Waiver to Design Standards No. 17004, Meyer Auto and Towing, approved by the Planning Director on October 12, 2017, to allow outdoor lighting with a BUG rating of 3-0-4 for security lighting for a tow lot, generally located at SW 32<sup>nd</sup> Street and W. O Street.

**LIQUOR RESOLUTIONS**

APPLICATION OF ATEMAJAC, INC. DBA LA CABANA TO EXPAND ITS CLASS I LIQUOR LICENSE BY THE ADDITION OF AN AREA MEASURING APPROXIMATELY 21 FEET BY 35 FEET AT 3223 CORNHUSKER HIGHWAY. (10/16/17 - PUBLIC HEARING & ACTION CONT'D FOR 1 WEEK TO 10/23/17) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90737 That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Atemajac, Inc. dba La Cabana to expand its licensed premises by the addition of an area measuring approximately 21 feet by 35 feet, at 3223 Cornhusker Highway, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations, specifically the Smoking Regulation Act and the Nebraska Clean Indoor Air Act.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

MANAGER APPLICATION OF MICHELE M. EHRESMAN FOR GREENFIELDS CAFÉ, INC. DBA GREENFIELDS AT 7900 SOUTH 87<sup>TH</sup> STREET - PRIOR to reading:

CAMP Moved to continue Public Hearing and Action 1 week to 10/30/17.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

APPLICATION OF RANDY A. WILSON JR. FOR CHATTERS, LLC DBA 1640 EVENT CENTER AT 1640 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90738 WHEREAS, Chatters, LLC dba 1640 Event Center located at 1640 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Randy L. Wilson Jr. be named manager;

WHEREAS, Randy L. Wilson Jr. appears to be a fit and proper person to manage said business.

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Randy L. Wilson Jr. be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

**MANAGER APPLICATION OF DONALD V. CARY III FOR WILDERNESS RIDGE, LLC DBA WILDERNESS RIDGE GOLF COURSE AT 1800 WILDERNESS WOODS PLACE - PRIOR to reading:**

**CAMP** Move to approve with restrictions as follows:

There be no business or personal alcohol related offenses by the applicant within a year from the date of the issuance of the license.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Lamm, Raybould, Shobe; NAYS: Gaylor Baird.

**CLERK** Read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90739 WHEREAS, Wilderness Ridge, LLC dba Wilderness Ridge Golf Course located at 1800 Wilderness Woods Place, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Donald V. Cary III be named manager;

WHEREAS, Donald V. Cary III appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Donald V. Cary III be approved as manager of this business for said licensee.

There be no business or personal alcohol related offenses by the applicant within a year from the date of the issuance of the license.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Lamm, Shobe; NAYS: Gaylor Baird, Raybould.

**APPLICATION OF MO CHARA, LLC DBA THE WATERING HOLE TO EXPAND ITS CLASS C LIQUOR LICENSE BY THE ADDITION OF AN AREA MEASURING APPROXIMATELY 25 FEET BY 130 FEET AT 1321 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:**

A-90740 That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Mo Chara, LLC dba The Watering Hole to expand its licensed premises by the addition of an area measuring approximately 25 feet by 130 feet, at 1321 O Street, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations, specifically the Smoking Regulation Act and the Nebraska Clean Indoor Air Act.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

**APPLICATION OF PETE RICKETTS FOR GOVERNOR, INC. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN INDOOR AREA MEASURING APPROXIMATELY 113 FEET BY 50 FEET AND AN OUTDOOR AREA MEASURING APPROXIMATELY 287 FEET BY 287 FEET AT 1421 H STREET ON NOVEMBER 4, 2017 BETWEEN 8:00 A.M. AND 7:00 P.M. AND NOVEMBER 24, 2017 BETWEEN NOON AND 2:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:**

A-90741 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Pete Ricketts for Governor, Inc. for a special designated license to cover an indoor area measuring approximately 113 feet by 50 feet and an outdoor area measuring approximately 287 feet by 287 feet at 1421 H Street on November 4, 2017 between 8:00 a.m. and 7:00 p.m. and November 24, 2017 between noon and 2:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.

4. Responsible alcohol service practices shall be followed.  
BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 16-30, 2017 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90742 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated October 2, 2017, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

| <u>DENIED CLAIM</u> | <u>ALLOWED/SETTLED CLAIMS</u>  |             |
|---------------------|--------------------------------|-------------|
| Zohal Saeed NAS*    | Jennifer Leonard               | \$ 3,295.00 |
|                     | Richard Haden                  | 355.09      |
|                     | State Farm a/s/o Richard Haden | 15,292.28   |
|                     | Kyle Schmit                    | 3,358.37    |
|                     | Hodges, Inc.                   | 6,348.41    |
|                     | TNT Termite Services           | 2,253.51    |
|                     | Catherine Wilson               | 124.50      |
|                     | Nicholas Watkins               | 8,835.00    |

\*No Amount Specified

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jon Camp

Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

APPROVING THE AWARD OF CONTRACT TO THE LOW BIDDER FOR THE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF TRANSPORTATION FOR THE 48<sup>TH</sup> AND HIGHWAY 2 TRAFFIC SIGNAL REBUILD PROJECT. CITY PROJECT NO. 702693. STATE PROJECT NO. LCLC-5239(9), CN 15253 - PRIOR to reading:

CAMP Moved Motion to Amend #1 to amend Bill No. 17R-257 as follows:

1. On line 6 after the word "bids", insert the following: "on October 19, 2017";
2. On line 6 after the words "work and", insert the words: "selected Watts Electric Company as" and strike the words "shall select a contractor based upon a determination of";
3. On line 10 after the word "of", insert words: "Watts Electric Company" and strike the words "the above mentioned contractor".

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90743 WHEREAS, the City of Lincoln adopted Resolution No. A-88050 on January 16, 2014 approving a Program Agreement between the City of Lincoln and the State of Nebraska Department of Transportation for the use of Federal Surface Transportation Program Funds for construction and construction engineering of the 48<sup>th</sup> and Highway 2 Traffic Signal Rebuild Project, City Project No. 702693, State Project No. LCLC-5239(9), CN 13253; and

WHEREAS, the State and City received bids "on October 19, 2017" for the proposed work and "selected Watts Electric Company as" ~~shall select a contractor based upon a determination of~~ the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the City concurs in the selection of "Watts Electric Company" ~~the above mentioned contractor~~; that the City does not desire to perform the work with its own forces in lieu of performing the work by the contract method; and hereby authorizes the Mayor to execute the construction contract on behalf of the City.

The City Clerk is directed to return the executed copies of the Agreements to Erin Sokolik, Engineering Services, Public Works & Utilities, for transmittal and execution by the State Department of Transportation.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

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APPROVING THE FIRST AMENDMENT TO DEVELOPMENT AGREEMENT FOR THE RECONFIGURATION OF SOUTHPOINTE PAVILIONS BETWEEN THE CITY OF LINCOLN, NEBRASKA AND RED CAPITAL MANAGEMENT, LLC TO MAKE AMENDMENTS TO THE REAL ESTATE INTERESTS TO BE CONVEYED BETWEEN THE PARTIES IN FURTHERANCE OF THE DEVELOPMENT AGREEMENT ON PROPERTY GENERALLY LOCATED NORTH AND EAST OF THE INTERSECTION OF SOUTH 27<sup>TH</sup> STREET AND PINE LAKE ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90744 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the First Amendment to Development Agreement for the reconfiguration of SouthPointe Pavilions which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln, Nebraska and RED Capital Management, LLC, to make amendments to the real estate interests to be conveyed between the parties in furtherance of the Development Agreement on property generally located north and east of the intersection of South 27<sup>th</sup> Street and Pine Lake Road, is hereby approved and the Mayor is authorized to execute the First Amendment to Development Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Tim Sieh, Assistant City Attorney, for distribution to RED Capital Management, LLC.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this Agreement to Michaela Dugan, Impact Fee Administrator.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

**PUBLIC HEARING ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS - SEE BELOW**

CHANGE OF ZONE 17022 – APPLICATION OF LUX CENTER FOR THE ARTS TO DESIGNATE THE FORMER UNIVERSITY PLACE CITY HALL AS A LANDMARK, CHANGING THE ZONING DISTRICT FROM B-3 COMMERCIAL DISTRICT TO B-3 COMMERCIAL DISTRICT WITH LANDMARK OVERLAY, ON PROPERTY GENERALLY LOCATED AT 2601 NORTH 48<sup>TH</sup> STREET - CLERK read an ordinance, introduced by Jon Camp, amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the second time.

CHANGE OF ZONE 17024 – APPLICATION OF JOHN AND TERRY THOMAS TO DESIGNATE THE BURGESS HOUSE AS A LANDMARK, CHANGING THE ZONING DISTRICT FROM AG AGRICULTURAL DISTRICT TO AG AGRICULTURAL DISTRICT WITH LANDMARK OVERLAY, ON PROPERTY GENERALLY LOCATED AT 6501 SOUTHWEST 40<sup>TH</sup> STREET - CLERK read an ordinance, introduced by Jon Camp, amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the second time.

CHANGE OF ZONE 17026 – APPLICATION OF MAGNUM PROPERTIES, LLC FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 235 SOUTH CODDINGTON AVENUE - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 17027 – APPLICATION OF HEPBURN PROPERTIES, LLC FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 200 NORTHWEST 84<sup>TH</sup> STREET - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

ANNEXATION 17013 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 4 ACRES OF PROPERTY GENERALLY LOCATED AT 84<sup>TH</sup> STREET AND PIONEERS BOULEVARD - CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

ANNEXATION 17011 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 161 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 40<sup>TH</sup> STREET AND YANKEE HILL ROAD - CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

ANNEXATION 17012 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 32 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTHWEST 1<sup>ST</sup> STREET AND WEST DENTON ROAD - CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

ANNEXATION 17010 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 211 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 56<sup>TH</sup> STREET AND FLETCHER AVENUE - PRIOR to reading:

LAMM Moved to place Bill No. 17-141 on pending no date certain.

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

CLERK Read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

TEXT AMENDMENT 17016 – AMENDING CHAPTER 27.63 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS BY AMENDING SECTION 27.63.470(D) TO AUTHORIZE CITY COUNCIL TO INCREASE OR DECREASE THE MINIMUM PARKING REQUIREMENTS IN THE H-4 GENERAL COMMERCIAL DISTRICT; AND REPEALING SECTION 27.63.470 AS HITHERTO EXISTING. (RELATED ITEMS: 17-140, 17R-253) - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 27.63 of the Lincoln Municipal Code relating to Special Permits by amending Section 27.63.470(d) to authorize City Council to increase or decrease the minimum parking requirements in the H-4 General Commercial District; and repealing Section 27.63.470 as hitherto existing, the second time.

SPECIAL PERMIT NO. 2004A – APPLICATION OF ALPHA BREWING OPERATIONS, LLC, TO AMEND SPECIAL PERMIT 2004 TO REDUCE THE REQUIRED PARKING RATIO FOR ASSEMBLY FACILITIES FROM 1 STALL PER 300 SQUARE FEET TO 1 STALL PER 1,000 SQUARE FEET, ON PROPERTY GENERALLY LOCATED AT NORTH 56<sup>TH</sup> STREET AND ALVO ROAD. (RELATED ITEMS: 17-140, 17R-253) (ACTION DATE: 10/30/17)

### **ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS**

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO PERSONNEL SYSTEM BY AMENDING SECTIONS 2.76.130, 2.76.135, 2.76.145, 2.76.160, 2.76.175, AND 2.76.200; AND REPEALING SECTIONS 2.76.130, 2.76.135, 2.76.145, 2.76.160, 2.76.175, AND 2.76.200 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Bennie Shobe, amending Chapter 2.75 of the Lincoln Municipal Code relating to Personnel System by amending Section 2.76.130, 2.76.135, 2.76.145, 2.76.160, 2.76.175, and 2.76.200; and repealing Sections 2.76.130, 2.76.135, 2.76.145, 2.76.160, 2.76.175, and 2.76.200 as hitherto existing, the third time.

SHOBE Moved to pass the ordinance as read.

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

The ordinance, being numbered **#20564**, is recorded in Ordinance Book 33.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND KELLY CUSTOM HOMES LTD., D/B/A NEBRASKA COTTAGE COMPANY FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 3268 RANDOLPH STREET - CLERK read an ordinance, introduced by Bennie Shobe, approving a Real Estate Sales Agreement between the City of Lincoln and Kelly Custom Homes Ltd., d/b/a Nebraska Cottage Company authorizing the sale of City owned property generally located at 3268 Randolph Street, Lincoln, Nebraska, the third time.

SHOBE Moved to pass the ordinance as read.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

The ordinance, being numbered **#20565**, is recorded in Ordinance Book 33.

### **RESOLUTION - ACTION ONLY**

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND TREAT AMERICA FOOD SERVICES FOR THE ANNUAL SERVICES FOR MEAL PREPARATION – AGING PARTNERS PROGRAM, PURSUANT TO RFP NO. 17-181, FOR A FOUR YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL FOUR YEAR TERM. (9/18/17 - PUBLIC HEARING & ACTION CONT'D 1 WEEK TO 9/25/17) (9/25/17 - PLACED ON PENDING, NO DATE CERTAIN) (REQUEST TO REMOVE FROM PENDING FOR ACTION ONLY ON 10/23/17) - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

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A-90745

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract between the City of Lincoln and Treat America Food Services for the Annual Services for Meal Preparation – Aging Partners Program in accordance with RFP No. 17-181, for a four year term with the option to renew for one additional four year term, upon the terms as set forth in said Contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Carl Eskridge

Seconded by Shobe & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

**RESOLUTIONS - 1<sup>ST</sup> READING**

APPOINTING RACHEL ZENG TO THE COMMISSION ON HUMAN RIGHTS FOR A TERM EXPIRING DECEMBER 31, 2017. (*CONSENT*)

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF OCTOBER 1-15, 2017.

**ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (AS REQUIRED)**

ANNEXATION 17014 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 2.72 ACRES OF PROPERTY GENERALLY LOCATED AT 5600 WEST ADAMS STREET - CLERK read an ordinance, introduced by Carl Eskridge, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

ANNEXATION 17015 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 152 ACRES OF PROPERTY GENERALLY LOCATED BETWEEN 1<sup>ST</sup> AND 14<sup>TH</sup> STREETS ON BOTH SIDES OF FLETCHER AVENUE - CLERK read an ordinance, introduced by Carl Eskridge, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

ANNEXATION 17016 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 203 ACRES OF PROPERTY GENERALLY LOCATED BETWEEN 84<sup>TH</sup> AND 95<sup>TH</sup> STREETS AND SOUTH OF HOLDREGE STREET - CLERK read an ordinance, introduced by Carl Eskridge, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND BLUE RIDGE UNLIMITED, LLC FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 7701 GREYCLIFF - CLERK read an ordinance, introduced by Carl Eskridge, approving a Real Estate Sales Agreement between the City of Lincoln and Blue Ridge Unlimited, LLC authorizing the sale of City owned property generally located at 7701 Greycliff, Lincoln, Nebraska, the first time.

**ADJOURNMENT**

**4:55 P.M.**

CAMP Moved to adjourn the City Council Meeting of October 23, 2017.

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

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Teresa J. Meier, City Clerk

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Rhonda M. Bice, Office Specialist